

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and part attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.4. (BCZR, 1975) to permit a setback of 50.5 feet to the center of the street in lieu of the required 65 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for following reasons: (indicate hardship or practical difficulty)

1. Configuration of property
3. Such other and further hardship as set forth at time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
 (Type or Print Name) Timber Grove Heights Construction Corp.
 Signature (Type or Print Name) Jack H. Pechter
 Address (Type or Print Name) Jack H. Pechter, President
 City and State
 Attorney for Petitioner: 908 York Road, 823-5151
 Benjamin Bronstein, Esquire Address Townson, MD 21204
 Signature City and State
 Suite 200, 102 W. Pennsylvania Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Address David S. Thaler
 Townson, MD 21204 11 Warren Road, Baltimore, MD 21208
 City and State Address Phone No.
 Attorney's Telephone No.: 828-4442

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day

of August, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of October, 1986, at 10:00 o'clock a.m.

By *Carl J. [Signature]*
 Zoning Commissioner of Baltimore County.

(over)

HAP 11/11/86
 E.D. 20
 DATE 11-21-86
 200
 1000
 DP

N-59,680
 4,419,830

ORDER RECEIVED FOR FILING
 Date 11-21-86
 By *John P. [Signature]*

IN RE: PETITION ZONING VARIANCE * BEFORE THE
 NE Corner of Timber Grove Road and Long Lake Drive - * ZONING COMMISSIONER
 4th Election District * OF BALTIMORE COUNTY
 Timber Grove Heights Construction Corporation, * Case No. 87-127-A
 Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a setback to the centerline of the street of 50 1/2 feet in lieu of the required 65 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by David Thaler, a registered civil engineer, appeared and testified and was represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.2 and presently vacant, was approved and recorded among the Land Records of Baltimore County in 1978 as Lot 21 of the subdivision known as Hunters Glen, pursuant to the 1975 Baltimore County Zoning Regulations (BCZR), which required minimum area standards in residential transition areas. The Petitioner requests a setback to the centerline of the street of 50 1/2 feet rather than the required 65 feet in order to develop it. In fact, the requirement for the 65-foot setback was repealed by Bill No. 124-81. The Petitioner is proposing to satisfy current standards and wishes to have the proposed dwelling in line with other dwellings constructed pursuant to current regulations.

The Petitioner seeks relief from Section 1801.2.C.4 (1975 Regulations), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 8th day of October, 1986, that the Petition for Zoning Variance to permit a setback to the centerline of the street of 50 1/2 feet in lieu of the required 65 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

ORDER RECEIVED FOR FILING
 Date 11-21-86
 By *John P. [Signature]*

D. S. THALER & ASSOCIATES, INC.

11 WARREN ROAD • BALTIMORE, MARYLAND 21208 • (410) 494-4106

DESCRIPTION TO ACCOMPANY
 ZONING VARIANCE PLAT

HUNTERS GLEN

4th ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND

Beginning on the northeast corner of Timber Grove Road and Long Lake Drive being Lot 21, being the same portion of a parcel of land recorded among the Land Records of Baltimore County, Maryland dated July 15, 1985 and known as Hunters Glen, 2nd Amended Plat, Sheet one of two, Lot 21, E.B.K. Jr., 53, folio 63. Also that portion of a parcel of land shown on a Final Development Plan known as Timber Grove Heights, amended and approved March 18, 1986.

Containing 0.342 acres of land, more or less in the 4th Election District.

CIVIL ENGINEERS • SITE PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS

PETITION FOR ZONING VARIANCE

4th Election District

Case No. 87-127-A

LOCATION: Northeast Corner of Timber Grove Road and Long Lake Drive

DATE AND TIME: Monday, October 6, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a setback of 50.5 feet to the center of the street in lieu of the required 65 feet

Timber Grove Heights Construction Corp.
 Being the property of _____, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
 ARNOLD JARLOW
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
 Date 11-21-86
 By *John P. [Signature]*

- 3 -

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 4th
 Posted for: Variance
 Date of Posting 9-10-86
 Petitioner: Timber Grove Heights Construction Corp.
 Location of property: NE Corner of Timber Grove Rd. and Long Lake Dr.
 Location of Sign: NE Corner of Timber Grove Rd. and Long Lake Dr.
 Remarks: *As per [Signature]*
 Posted by: *As per [Signature]*
 Number of Signs: 7
 Date of return: Sept 12-86

ORDER RECEIVED FOR FILING
 Date 11-21-86
 By *John P. [Signature]*

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 NE Corner of Timber Grove Rd. : OF BALTIMORE COUNTY
 and Long Lake Dr., 4th District :
 TIMBER GROVE HEIGHTS : Case No. 87-127-A
 CONSTRUCTION CORP., :
 Petitioner :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Room 223, Court House
 Towson, Maryland 21204
 494-2188

I HEREBY CERTIFY that on this 22nd day of August, 1986, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Suite 200, 102 W. Pennsylvania Ave., Towson, MD 21204; and Mr. David S. Thaler, 11 Warren Rd., Pikesville, MD 21208, who requested notification.

Peter Max Zimmerman
 Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

September 30, 1986

Benjamin Bronstein, Esquire
Suite 200
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NE/cor. of Timber Grove Rd. and Long Lake Dr.
4th Election District
Timber Grove Heights Construction Corp. - Petitioner
Case No. 87-127-A

Dear Mr. Bronstein:

This is to advise you that \$67.51 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 025563
DATE 10/6/86 ACCOUNT R-01-615-000
SIGN & POST 10/7/86 AMOUNT \$ 67.51
RETURNED TO Benjamin Bronstein, Esq., Suite 200, Alex Brown
Bldg., 102 W. Pennsylvania Ave., Towson, Md. 21204
RECEIVED FROM: Benjamin Bronstein
FOR: ADVERTISING & POSTING COSTS RE CASE #87-127-A
B022*****675114 806EF
VALIDATION OR SIGNATURE OF CASHIER

Benjamin Bronstein, Esquire
Suite 200
102 West Pennsylvania Avenue
Towson, Maryland 21204

August 15, 1986

NOTICE OF HEARING

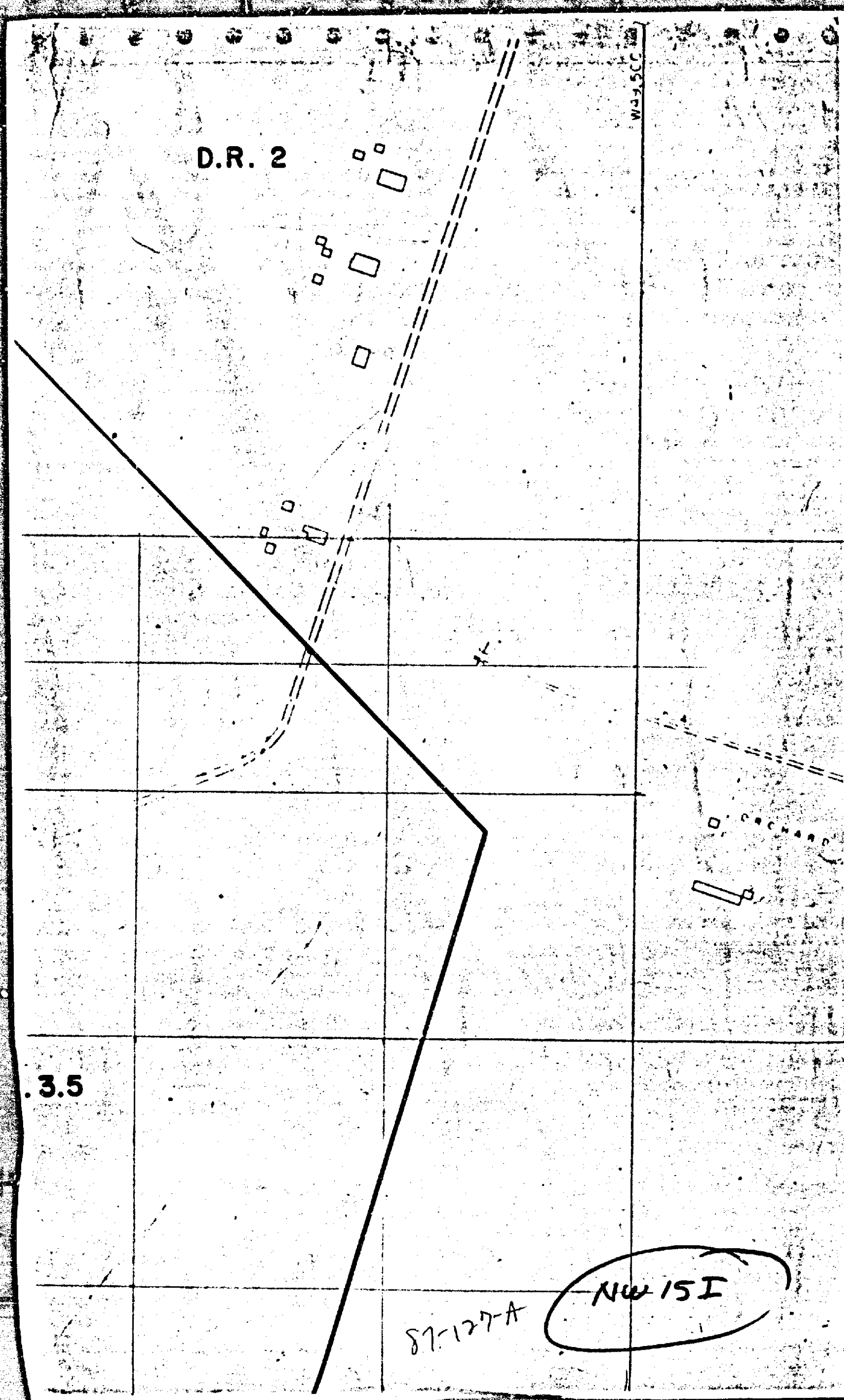
RE: PETITION FOR ZONING VARIANCE
NE/cor. of Timber Grove Rd. and Long Lake Dr.
4th Election District
Timber Grove Heights Construction Corp. - Petitioner
Case No. 87-127-A

TIME: 10:00 a.m.

DATE: Monday, October 6, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 020026
DATE 7/3/86 ACCOUNT 01-615-000
AMOUNT \$ 35.00
RECEIVED FROM: Benjamin Bronstein
FOR: Variance # 35
B167*****350014 824EF
VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 17, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Benjamin Bronstein, Esquire
102 W. Pennsylvania Ave., Suite 200
Towson, Maryland 21204

RE: Item No. 35 - Case No. 87-127-A
Petitioner: Timber Grove Heights
Construction Corp.
Petition for Zoning Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: David S. Thaler
11 Warren Road
Baltimore, Maryland 21208

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 18, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 18, 1986

THE JEFFERSONIAN,

L Susan Shuler Shultz

Publisher

Cost of Advertising
24.75

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: August 27, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 87-116-A, 87-127-A, 87-128-A, 87-130-A, 87-133-A, 87-134-A, 87-135-A, 87-136-A, and 87-137-A

There are no comprehensive planning factors requiring comment on these petitions.

NEG:JGH:slm

Norman E. Gerber, AICP
Director

CPS-008

87-127-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of August, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Timber Grove Heights
Construction Corp.
Attorney: Benjamin Bronstein, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

August 22, 1986

RE: Zoning Advisory Meeting of August 5, 1986
Item # 35
Property Owner: TIMBER GROVE HEIGHTS
CONSTRUCTION CORP.
LOCATION: NE/C CORNER OF TIMBER GROVE RD. & LONG LAKE DR.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ The zoning calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplains is prohibited under the provisions of Section 22-58 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on 11/15/85.
- ☒ The property is located in a deficient service area as defined by the Baltimore County Land Use Manual.
- ☒ The property is located in a deficient service area as defined by the Baltimore County Land Use Manual.
- ☒ The property is located in a deficient service area as defined by the Baltimore County Land Use Manual.
- ☒ The property is located in a deficient service area as defined by the Baltimore County Land Use Manual.

Additional comments:
Development IV-126 (W/A HUNTERS)
Development IV-126 (W/A HUNTERS)
Development IV-126 (W/A HUNTERS)

200 James Holwell

Norman E. Gerber
Chief, Current Planning and Development

NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Sept. 18, 1986

Y that the annexed Reg. #194940 P.O. #80226

(1) successive weeks/days previous

of September, 1986, in the

County Times, a daily newspaper published

in Westminster, Carroll County, Maryland.

News, a weekly newspaper published

in Baltimore County, Maryland.

Times, a weekly newspaper published

in Baltimore County, Maryland.

TY NEWSPAPERS OF MARYLAND, INC.

Per: [Signature]



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

August 14, 1986

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 35 Zoning Advisory Committee Meeting are as follows:
Property Owner: Timber Grove Heights Construction Corporation
Location: NE/C Timber Grove Road and Long Lake Drive
District: 4th.

APPLICABLE ITEMS ARE CIRCLED:

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____, of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Uses _____. See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments:
- K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Burnham
BY: C. E. Burnham, Chief
Building Plans Review

4/22/85



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

August 14, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson Maryland 21204

RE: Property Owner: Timber Grove Heights Construction Corp.

Location: NE/C Timber Grove Road & Long Lake Drive

Item No.: 35

Zoning Agenda: Meeting of 8/5/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

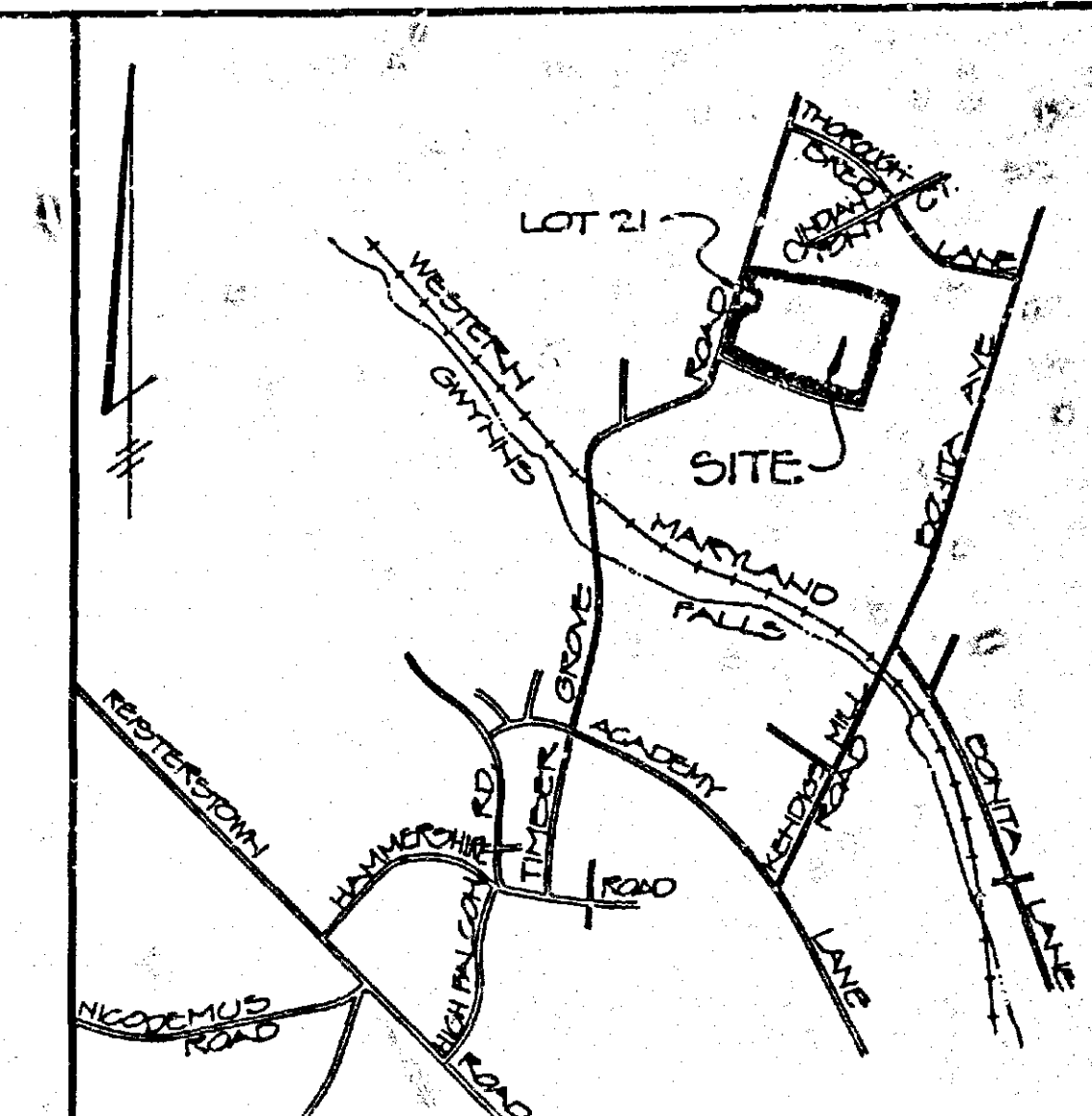
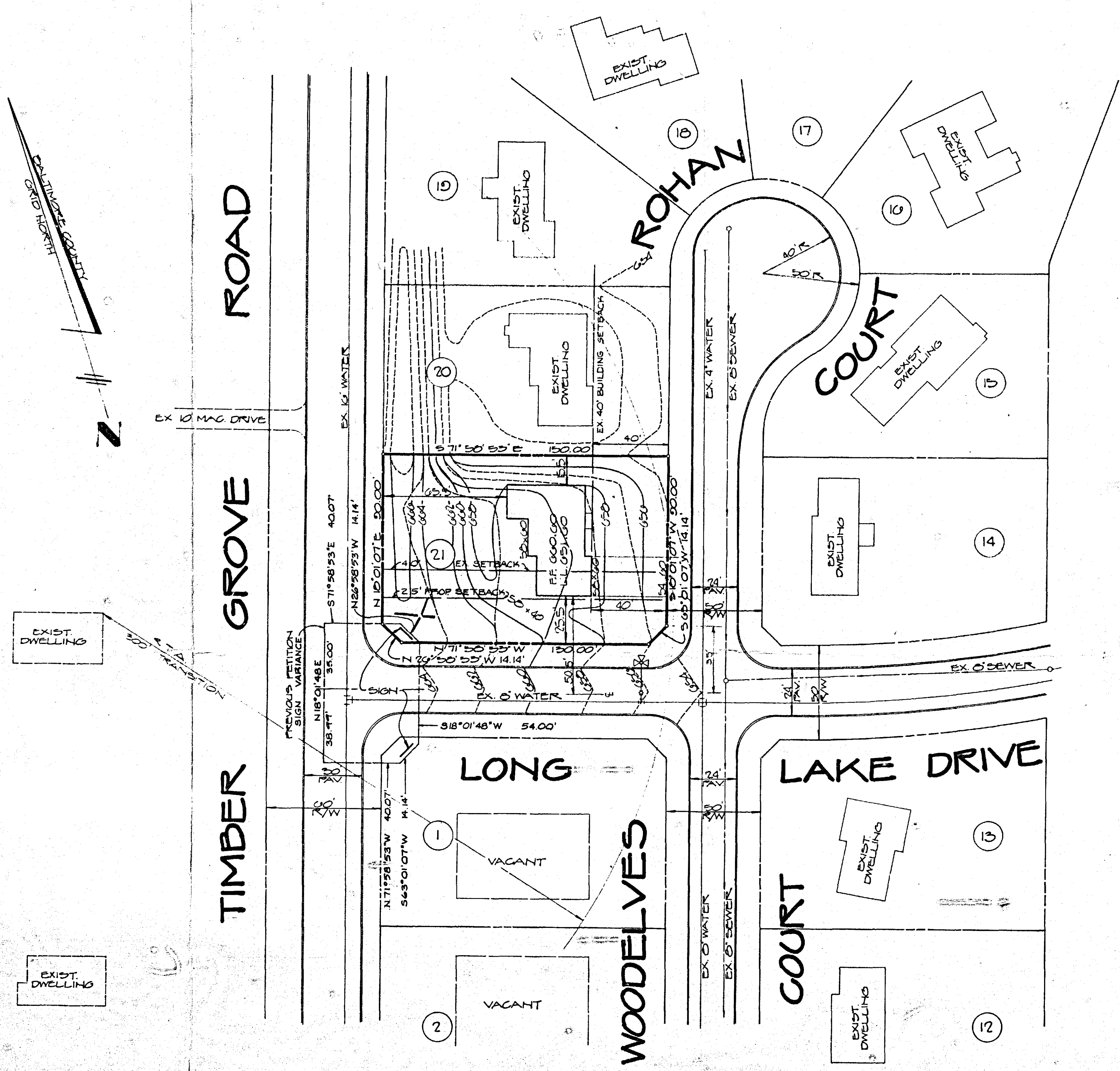
REVIEWER: *Capt Joseph Kelly 8-14-86*
Planning Group
Special Inspection Division

Noted and

Approved:

John F. O'Neill
Fire Prevention Bureau

/mb



LOCATION MAP
SCALE: 1" = 200'

GENERAL NOTES

- 1) LOT AREA: 0.342 AC ±
- 2) ZONING: DR - 2
- 3) PUBLIC WATER & SEWER ARE AVAILABLE ON SITE.
- 4) EXISTING SETBACKS:
FRONT - 40 FEET
REAR - 40 FEET
NORTH SIDE - 15 FEET
SOUTH SIDE - 40 FEET
- 5) SECTION 1801.2.C.4 (BCZR, 1975) TO PERMIT A SETBACK OF 50.0 FEET TO THE CENTER OF THE STREET IN LIEU OF THE REQUIRED 65 FEET.
- 6) NO HOUSES HAVE BEEN CONSTRUCTED ON LOT 21 AS OF THIS DATE.
- 7) SUBDIVISION - HUNTERS GLEN, SECTION ONE LOT 21, PLAT BOOK H* 53, FOLIO 65
- 8) OWNER - TIMBER GROVE HEIGHTS CONST. CORP.

PETITIONER'S EXHIBIT 1

D.S. THALER & ASSOC. INC.
11 WARREN ROAD
BALTIMORE, MD 21200
(301) 424-4100

OWNER
TIMBER GROVE HEIGHTS CONSTRUCTION CORP.
306 YORK RD.
TOWSON, MARYLAND 21204

ATTORNEY FOR PETITIONER
BENJAMIN BRONSTEIN
102 WEST PENNSYLVANIA AVE.
TOWSON, MD 21204
(301) 676-4442

35-27-127-A
ZONING VARIANCE PLAT FOR LOT 21
HUNTERS GLEN
4th ELECTION DISTRICT
SCALE: 1" = 30'
BALTO CO., MARYLAND
JUNE 20, 1980